

that reinstates the Wellstone amendment to the Homeland Security Act. It says that corporations that have renounced their American citizenship and moved offshore to avoid paying taxes to the U.S. Government will not get business contracts with the U.S. Government, at least not with homeland security projects.

It is the least we can do for Paul Wellstone. It is the least we should do for ourselves because most U.S. companies, like most American citizens, are law abiding, patriotic, and responsible. Nobody likes paying taxes. Americans have been anti taxes since the colonial days, since the Boston Tea Party, since the rallying cry of, "Taxation without representation is tyranny."

Taxes are necessary for this country's survival, however. We have increased military spending by 23 percent in the last 2 years on a bipartisan basis, which the President requested. We have evidence that new efforts in homeland security will cost an additional \$37 billion. Operation Enduring Freedom in Afghanistan, the military buildup in the neighborhood of Iraq—all of these depend upon Americans paying taxes and everyone paying their fair share of taxes. When someone avoids paying their fair share, everyone else pays a higher unfair share. We need to reestablish an ethic in this country that tax avoidance is unpatriotic, un-American; tax avoidance is selfish, greedy, and an insult to this Nation.

Tax exemption, especially for the wealthy, whether they be dividends or estates—those tax exemptions not based on the inability to pay for social benefits such as charitable negotiation are betrayals of our democracy. They betray the American promise of better lives for everyone by all of us working together, by joining together, by pledging together, as our forefathers did, our lives, our fortunes, and our sacred honor.

This country won't work if we don't work together. This country won't thrive if the richest citizens avoid paying taxes and profitable companies put profits before patriotism. More is never enough. It is time for the American elite to say they have enough—more than enough. I urge you, don't break America with your selfishness or your greed. Pay your fair share for America. Do so willingly, proudly, and patriotically. I say to the corporate expatriots of America, come home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes.

Mr. BENNETT. What is the time limit?

The PRESIDING OFFICER. Ten minutes.

Mr. BENNETT. I ask unanimous consent that I be allowed to speak for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGANIZING RESOLUTION

Mr. BENNETT. I thank the Chair.

Mr. President, we are having a debate on the organizing resolution. We have heard a great deal. The Senator from Minnesota just spoke somewhat disparagingly of what he calls "crocodile tears" on this side of the aisle and said we were trying to rewrite history.

I would like to set the record straight with a little bit of history—some that I know because I was directly and personally involved.

We all recall that the 107th Congress was unique. It was 50–50 for the first time in history. The two leaders, facing that unusual circumstance, created an unusual solution to it. However, the question of who would chair the committees was never in doubt. Right from the very beginning, it was clearly understood that since the Republicans had the vote of the Vice President for organization purposes, Republicans would chair all of the committees.

The fight over money has been exaggerated by those who have debated here. There was a protracted conversation and negotiation between Senator LOTT and Senator DASCHLE over the issue of money, but there was never any doubt that the Republicans, with the Vice President's vote, would organize the committees, and work began immediately for the organization of the committees, with the Republicans recognized as the chairs.

Now, when Senator JEFFORDS left the Republican Conference—crossed the aisle and decided he would caucus with the Democrats—I was chairman of the Legislative Branch Subcommittee of the Appropriations Committee. I had a hearing scheduled to proceed with the work of the Appropriations Committee. Senator JEFFORDS made his announcement at a 10 o'clock news conference in the morning, as I recall—I may not have the exact time correct. As I left the Senate Chamber following Senator JEFFORDS' announcement, I said to my staff: Put the hearing on hold because Senator DURBIN is now the chairman of that subcommittee.

I ran into Senator DURBIN waiting for the subway in the basement of the Capitol, and I said to him: DICK, since you are now the chairman of that subcommittee, you decide whether or not we hold the hearing. He looked a little nonplussed but said to me: BOB, don't you want to hold the hearing since you have set it up? I said: No, DICK, you hold the hearing because you are now the chairman. He said: Oh, thank you very much for that courtesy.

There were no resolutions that had to be passed, as far as I was concerned, because it was very clear that the power in the Senate had shifted and I—and I know of no other Republican—was not going to act as a dog in the manger and hang on to the technicality that no resolution had been passed in order to hold on to power for a few extra minutes, or a few extra days, in the face of the fact that the decision had been made as to who would control the Senate.

Now we come to the present circumstance: An organizing resolution determining who will be chairmen of the committees has been introduced by the majority leader, and it is being contested by the minority leader and the members of the Democratic Party. We understand now that this is a deliberate strategy that was laid down by the Democrats prior to the time this Congress was organized. Prior to the time when new Senators were sworn in, prior to the time when we gathered to meet, the Democrats had met and made the decision that they would hang on to the committee power for as long as they possibly could. We have written evidence of this in the form of an e-mail sent by Ben McMakin, who is the legislative director to Senator PATTY MURRAY, the previous chairman of the Senatorial Campaign Committee.

Senator MURRAY's legislative director, in an e-mail dated January 2, prior to the time when we met, prior to the time anybody was sworn in, prior to the time when anybody was addressing these questions formally, made these points. He begins this by saying to his staff:

Here is an update from Daschle staff on where we find ourselves at the beginning of the 108th Congress. Democrats continue to serve as chairs of all committees and subcommittees until the Senate reorganizes.

Technically, that is true. Historically, that has never been true. No party, when there has been a change in control from one party to the other as a result of the actions of the American people—those things called elections, which we usually pay attention to around here—but no party has ever tried to hang on to its control of committees when there was a transition of power from one party to the other. Technically, it is true, Democrats continue to serve as chairs of all committees and subcommittees until the Senate reorganizes, but that reorganization resolution always passes virtually immediately, and there is never an attempt on the part of the outgoing party to hang on to the power that the people have given to the incoming party.

However, Mr. McMakin makes this point:

Senate Democrats have leverage when the organizing resolution hits the floor, as it is debatable and will ultimately require 60 votes to pass.

Understand, this is not Mr. McMakin's idea. This is Mr. McMakin's report to his staff of the position of the Daschle staff. He simply was taking notes of what the minority leader staff was telling him and the other legislative directors. I will read that sentence again:

Senate Democrats have leverage when the organizing resolution hits the floor, as it is debatable and will ultimately require 60 votes to pass.

If ever there was a clear statement that prior to the time the Congress even met, Senator DASCHLE and his

staff were planning to filibuster the organizing resolution, there it is.

Again, the attitude that was on the Republican side when Senator JEFFORDS walked across the aisle, I handed the gavel to Senator DURBIN that afternoon. I handed it to him without any resolution. I handed it to him without any action, without any thought that there would be a filibuster or clinging to power because I recognized the power had changed in the Senate, and that meant if we were going to have orderly activity on the people's business, the power had to change in committees.

Here is the reality of where we are today. The Democrats are saying: We cannot allow the organizing resolution to pass until the funding issues are resolved. The funding issues are not up for resolution until the end of February because of the disarray with which we ended the last Congress, with funding resolutions and appropriations bills not passed. The funding of committees was passed in the last Congress that carries over to the end of February. We have no dispute on funding at the moment. We will have at the end of February.

We can organize the Senate and allow the committees to go forward this afternoon without disrupting the present funding circumstance. We do not need to tie the two together. The majority leader has offered the resolution just to allow the Republicans to take the gavels, nothing else. The negotiations over funding can still continue. The arguments over percentages can still go forward. And the Democratic leader is saying: No, we are going to hang on to the gavels; we are going to hang on to our technical power that is a residue of the last Congress; we are going to continue to say the election did not make any difference week after week for as long as we can.

We come to another very interesting statement by Mr. McMakin in this e-mail on January 2. He says:

January 20th recess. Daschle staff says highly unlikely that we will recess that week due to standoff over organizing resolution and delay in addressing outstanding appropriations measures.

Before the Congress even met, Senator DASCHLE knew there would be a filibuster on the organizing resolution and knew that would carry over 3 weeks, 4 weeks, on in to cancelling the January 20 recess which had been previously scheduled with, I understand, the approval of the Democratic schedulers. No, no, Daschle's staff is alerting other Senators' staffs that the recess will not take place because we will still be haggling over the organizing resolution.

I do not know how you can be more specific about a determined plan laid out in the beginning to slow down the work of the Senate, to obstruct the people's business, to make sure the effect of the election is delayed as long as possible than you have in this e-mail from Mr. McMakin.

There is one item on here I find of interest. While most of the e-mail does deal with the fact that the Democrats intend to filibuster the organizing resolution and slow down, delay as long as possible the Republicans' ability to take over the Senate and manage it, under the heading "Other Legislative Issues," Mr. McMakin has this very interesting sentence:

UI fight to resume again on first day.

Those of us who were here on the first day understand "UI" stands for unemployment insurance. That the first item out of the box when the new majority leader offered a bill, which he thought had been agreed upon by both sides and, therefore, was a simple matter of asking unanimous consent, in fact, the Democrats were lying in wait to begin the fight over again; that the unanimous-consent request would be objected to, as it was—objected to by one of the Senators who had entered into the agreement forming it in the first place. Ultimately, that got taken care of, but the strong message laid in advance by the Daschle staff, as they talked to other legislative directors, was: We are going to begin fighting the Republicans at every step on every item the first day—the first day.

As we think back over the election, with all of the punditry that goes into analyzing it, we find that different pundits come to different conclusions. Some have said the Democrats lost because they did not have a clear message. Others have said the Democrats lost because they obstructed everything the President tried to do and the voters punished them for that obstruction. And then others said the Democrats lost because they did not obstruct enough; they were not tough enough; they did not show themselves with enough backbone.

From this memo and from the actions since this memo, it becomes clear to me the Democratic leadership in the Senate has decided the third set of pundits is correct: That they lost the election because they did not obstruct the President enough, and so this time, they are not only going to try to trip him up on unanimous-consent agreements that Republicans think have been cleared in advance, they are not only going to lay traps for the majority leader when he thinks the path is clear, they are even going to go to the point of trying to hang on to the gavels as long as they can to prevent the Republicans from organizing the committees and moving forward with the committee work as long as they can so that perhaps at the end of the Congress, they can say: You see the disarray the Republicans were in, you see how difficult it was for us to have Republicans in charge; they could not get anything done.

Filibustering the organizing resolution, demanding 60 votes before the Republican chairmen can even pick up the gavels, and then complaining, as the Senator from Minnesota did, that the Republicans are shedding crocodile

tears because things are not being done the way the Democrats want—Mr. President, this is unprecedented, and I hope it is unique. I hope in every successive session in the history of this Republic, when the Senate gathers, the party which won the control of the Senate through the election is allowed to take control of the gavels in the committee as soon as the Senate gathers.

That is what I thought democracy was all about. That is how I behaved when Senator JEFFORDS changed the power in the Senate and, as far as I know, that is how every other Republican chairman behaved. We handed over the gavels without protest.

We handed over the gavels with an attempt to make sure the work of the Senate went forward smoothly. We did not haggle and complain. We just said, the Democrats are now in charge. Good luck. We will do the best we can to help.

When Senator JEFFORDS crossed the aisle, funding issues took weeks to resolve. That is a different question. Funding issues can go until February and they will not affect anybody. To tie the two of them together and to slow down, indeed prevent, the majority party from exercising majority control over funding issues that can and should be resolved at some point in the future is, in my view, irresponsible and ultimately, in the eyes of the American people, unforgivable.

I am sure there will be those in the media who will say the Democrats are just asking that the Republicans be fair. They got 49 votes, they should have 49 percent of the money.

Let me take a few moments and explain that one. If we do not deal in percentages but we deal in dollars, what is it the Republicans are offering the Democrats in funding? Forget the percentages; talk about the dollars. We are offering, as I understand it, the same dollars they had in the last Congress. What we are asking for is a few more dollars on the Republican side. That brings the Republican percentage of the total dollars up to 60, which is down from the target Senator DASCHLE set prior to the election when he was asked what the funding levels would be. He said the funding levels would be two-thirds to one-third, 67 percent for the Democrats, 33 percent for the Republicans, if the Democrats took clear control in the election. That was his plan if he had control as majority leader.

Now when he is not majority leader, he is saying they have to have 49 percent of the total funding. Using their power in the filibuster, they will give the Republicans a little bit of an administrative kicker but will not allow the Republicans to get enough additional administrative money so the total pot is divided 60/40. They have to have the Republicans under 60. That is the demand, as I understand it.

If we had a fixed amount of dollars we were debating and we were saying

we give the Democrats X percent of that fixed amount, maybe their argument for fairness might have some validity. But the fixed amount is the same amount they had been getting under the 107th Congress when they were in the majority, and we are saying we are going to add on the Republican side enough administrative dollars so the total percentages go up to 60, and the Democrats are objecting to that.

I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. So this is where we are. This is not a fight over money. This is not a fight over fairness in funding. This is a deliberate, predetermined, precongressional attempt to prevent the Republicans from being successful. This is deliberate obstruction, planned and announced, at least among their own troops, prepared for and carefully scripted. For the Democratic leader, through his staff, to be able to predict in advance of the Congress meeting that a recess scheduled 3 weeks later would not occur is a clear demonstration he is prepared to obstruct every step of the way, even if it means denying the party that was chosen by the people as the majority party its proper majority status.

So let us not get carried away in percentages. Let us not get carried away in false arguments about fairness. What is on the table is an organizing resolution that deals nothing with money. What is on the table for discussion is a funding resolution that gives the Democrats every bit as much money as they had in the 107th Congress.

Simple fairness to the American people who made their choice in November demands we get on with this; that the Republicans be given the gavels; that the Congress be organized, the Senate be organized; and that we move ahead to the people's business instead of to partisan monkey business.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. ALLARD. We are in morning business?

The PRESIDING OFFICER. The Senator is correct.

CONTINUING OBSTRUCTIONISM

Mr. ALLARD. Mr. President, ordinarily I do not come to the Senate floor and involve myself in a lot of the issues that are going on at the leadership level, but I have to say I really am disappointed the leaders of the Demo-

cratic Party are continuing to obstruct the Republicans' effort to organize and to move forward with this Nation's agenda.

In the last session, we could not even pass a budget. We have appropriations bills that are waiting to be acted on as we move into this new year. My hope is we could put aside our partisan differences and move quickly forward with these pressing issues, deal with the people's business. After we finish the unfinished business of the last Congress, and after the State of the Union address, then we could go ahead and begin to move forward with the business of this new year.

Historically in the Senate, the majority party has moved ahead very quickly on the organizing resolution. It has been a standard process where two-thirds of the funding goes to the majority party and a third to the minority party.

I was interested in the reference by my colleague from Utah who mentioned there was an e-mail floating around, which he quoted, that this was actually a planned effort by the Democratic party to obstruct the agenda. I have been informed there have been previous e-mails that if the Democrat party had been in control in the Senate, they were planning to push the two-thirds/one-third breakout on funding because that has been the tradition of the Senate year after year; that is what has happened, the majority party has had the two-thirds and the minority party has been one-third.

Now we find the majority party has tried to use last year's abnormal type of session—there was nothing normal about last year's session we can use as a standard for moving forward from this point on, but the fact is historically this has been a rather standard process. I hope we can put aside this type of partisan bickering that does not have anything to do with the people's business and move forward with what historically we have done in the Senate.

Last year, Congress started with Republican control, then went back to the Democrat Party because a Republican changed parties—went from a Republican to an Independent. And then after this election, technically, we could have been back in the majority again—after the vote in Missouri. It was decided we would hold that aside and just move forward with this year's agenda.

As we enter the second week of a new year, the second week of the 108th Congress, the business of the Senate is once again seeing obstructionist politics blocking the Nation's business and our work from moving forward, getting something accomplished. I don't see any legitimate reason for this delay.

The Senate, over its many years, has abided by the clear precedent I referred to earlier, with an organizing resolution quickly agreed upon, and then we move forward with our routine business each year. Now we have the Demo-

crats wanting to change the world since they did not get their way in November.

I had one of the more contested races in the Nation, in Colorado. It is clear to me the people of Colorado are disappointed that we did not pass a budget last year; that we did not get our work done in the last Congress.

I don't think anyone wins with obstructionist politics. The big losers are the citizens of this country. We are not able to address their problems and move forward with real solutions. The people of the United States made clear whom they chose to lead the Senate. It was the same argument all over the country as in my race. Yet the minority party refuses to step aside and let the duly elected party move forward. We have a clear majority in this Congress to deal with the business of the people and the business of the country. They refuse to relinquish the power the people of the United States said they no longer wished them to hold.

We face challenging times in our Nation. Grave threats against our national security continue to damage economic confidence. Spending bills that should have been approved last year are still pending. That is right, 11 spending bills that provide funding for parks and research failed, under the leadership of the Democrats, to proceed. And they are not passing now because of the Democrats' persistence in obstructionist politics. Last year, for the first time in decades, we did not even pass a budget. Yet the Democrats still want to control.

I stand by our newly elected Majority Leader FRIST and the people of the United States. Let our work proceed. Let the will of the people stand victorious and let the continuing resolution move forward according to the clear precedent that we have in the Senate.

Newspapers across the Nation continue to report that the obstructionist politics of the Democrats have delayed the confirmation hearing of Tom Ridge, the President's choice to run the new Department of Homeland Security. My question is, Do my colleagues on the other side of the aisle truly believe the people of the United States would rather see obstruction than move forward with the Department of Homeland Security, with the effort to try to restore economic growth in this country, to finish the unfinished business we had left over from the last Congress because of obstruction politics?

The New York Times reported that until Senators adopt a so-called organizing resolution, committee chairmanships will rest with the Democrats despite the November elections that gave Republicans a 1-vote majority. The impasse creates delays in the Senate business, not only of Mr. Ridge's confirmation but also the confirmation of John Snow as Treasury Secretary, as well as consideration of the appropriations bills left over from last year.